IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:21-cv-00213-MR-WCM

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This matter is before the Court on a Joint Motion to Substitute Mediator and for Judicial Settlement Conference (the "Motion," Doc. 80) by which the parties request that their previously designated mediator, Steve Dunn, be substituted and that, instead of a mediated settlement conference, a judicial settlement conference be conducted by a United States Magistrate Judge.

The Pretrial Order and Case Management Plan, which was issued on June 14, 2023, directed the parties to engage in mediation by March 20, 2024. Doc. 46.

During a status conference on March 1, 2024, the mediation deadline was discussed, and the parties were given an opportunity to contact Mr. Dunn regarding his availability for a conference by the original mediation deadline. Subsequently, the undersigned, acting *sua sponte*, extended the deadline for mediation to and including March 27, 2024.

The parties have known since the Pretrial Order was entered more than

9 months ago that they had an obligation to engage in a mediated settlement

conference. They have provided no legitimate reason why limited judicial

resources should be expended so that a magistrate judge can preside over a

judicial settlement conference, in lieu of the parties participating in a private

mediation in the ordinary course. Accordingly, the Motion is **DENIED**.

In addition, the parties are ADVISED that, if they fail to complete a

mediated settlement conference by the court-ordered deadline, they may be

required to show cause why sanctions should not be imposed against each of

them. See Rule 16(f). The parties are also advised that no motion requesting a

further extension of the mediation deadline will be considered unless it

identifies a specific date for mediation and states that the date has been

confirmed with a specific mediator.

It is so ordered.

Signed: March 20, 2024

W. Carleton Metcalf

United States Magistrate Judge